

(2025) 04 KAR CK 0448

In the Karnataka High Court, Principal Bench

Case No : Writ Petition No. 12051 Of 2025 (S-KSRTC)

H C Basavaraju

APPELLANT

Vs

Managing Director Ksrtc, Central Offices, K H Road, Shanthi
Nagar, Bangalore-560027 & Ors.

RESPONDENT

Date of Decision : 25-04-2025

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 125(a), 281
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 47(1)
Constitution Of India, 1949 — Article 21, 22, 22(1)

Citation : (2025) 04 KAR CK 0448

Hon'ble Judges : Hemant Chandangoudar, J

Bench : Single Bench

Advocate : Shantanagoudarn M.V Anoop Kumar

Final Decision : Allowed

Judgement

B M Shyam Prasad, J

The petitioner, who was appointed as a Driver cum Conductor, is now working as a Junior Assistant. The petitioner, for the reasons assigned in the order dated 25.02.2022 by the Ombudsman, is assigned light work. The petitioner is aggrieved by the second Show Cause Notice dated 17.03.2025. The second respondent has issued this Notice on conclusion of the inquiry proceedings against the petitioner on charge that he had not issued tickets to five members who had boarded the bus at Subramanya to travel to Mysore, though he had collected a sum of Rs.1,950 from them.

The petitioner's grievance against this second Show Cause Notice stems from the assertion that he has not had a reasonable opportunity to contest the charges against him. If Mr. M. C. Basavaraju, the learned counsel for the petitioner, relies upon these circumstances to seek this Court's interference with the proceedings pursuant to the impugned second Show Cause Notice, Ms. Renuka H. R., a learned standing counsel for the respondents, who is earlier called upon to

accept notice, rightly submits that the Disciplinary Authority is yet to take a decision and these two circumstances viz., the petitioner is in a peculiar situation as is observed by the Ombudsman in the order dated 25.02.2022 and that he has not had a reasonable opportunity to participate in the inquiry could also be considered.

This Court is therefore not persuaded to interfere, but this Court must observe that the Disciplinary Authority must ensure all circumstances are duly considered before taking a decision. The petition stands disposed of with such observation, and reserving liberty to the petitioner to file a certified copy of this order with the Disciplinary Authority, calling upon the Disciplinary Authority to defer the decision by a period of six [6] weeks from today.